



BOARD OF PUBLIC WORKS & SAFETY NOVEMBER 4, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 8:35 a.m.

PRESENT:	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni.
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Mr. Beville moved that the minutes of the regular session of October 21st be approved as presented. Second by Mr. Hoover. Vote: Ayes.

For South Tech Park Lots 1 & 2, Block "A". Mr. Peoni recommended that the Board acknowledge the completion of the private improvement of erosion control and release the performance bond. Mr. Beville, per Mr. Peoni's memo moved to:

- 1) Acknowledge that the private improvement of erosion control has been installed in reasonable compliance with the design plans and that there is a good stand of grass in the field for South Tech Park, Lots 1 & 2, Block "A".
- 2) Release performance bond #5007090 from Bond Safeguard Insurance Company in the amount of \$51,392 for the installation of the private erosion control at South Tech Park, Lots 1 & 2, Block "A".

Second by Mr. Hoover. Vote: Ayes.

Ken Zumstein of J. Greg Allen & Associates represented Indiana American Office Parke, Section 1, Lot 4 to acknowledge the completion of private improvements and the release of the associated performance bonds. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Acknowledge that the private improvements of dirtwork, storm sewers and erosion control have been installed in reasonable compliance with the design plans for Indiana American Office Park, Section 1, Lot 4.
- 2) Release performance bond #5003823 from Bond Safeguard Insurance Company in the amount of \$42,100.19 for the installation of the private dirtwork and storm sewers at the Indiana American Office Parke, Section 1, Lot 4.
- 3) Release performance bond #5003822 from Bond Safeguard Insurance Company in the amount of \$8,586.98 for the installation of the private erosion control at Indiana American Office Parke, Section 1, Lot 4, all subject to:
 - a) Confirmation of the receipt of final mylar as-builts.

Second by Mr. Beville. Vote: Ayes.

For The Pointe (Friendly Smile Dentistry) on State Road 135 Mark Dietel of Duke & Company asked for a reduction of the Sewer Availability Fee (SAF). Mr. Peoni explained that this is the same situation that has come before the Board for other dentists as the old State Bulletin 13 has not yet been revised. They are asking to pay what would be due based on the proposed new numbers. A Letter-of-Credit for the difference would be held. Mr. Hoover moved to grant the request for the reduction of the SAF for The Pointe (Friendly Smile Dentistry), with the base amount to be paid based on the proposed figures in State Bulletin 13 and the difference to be in a Letter-of-Credit or other guarantee approved by the City Attorney for a period of two years. Second by Mr. Beville. Vote: Ayes.

Steve Williams of Franklin Engineering next asked for construction plan approval for Olive Branch Parke. Mr. Peoni confirmed that the plans have been found to be acceptable and recommended approval. Mr. Hoover moved to approve the construction plans for Olive Branch Parke, with second by Mr. Beville. Vote: Ayes.

Gail Richards of the Greenwood Chamber of Commerce, on behalf of the Old Towne Greenwood Association, reported for Allison Randolph that they had raised \$6,000 last year for 16 wreaths to be

placed along Madison Avenue and Main Street. The wreaths are equipped with lights. She requested a one-time lump sum of \$1,798.55 to install receptacles along those streets to light the wreaths that were not lit last year – north to Pearl, south to Machledt, almost to U.S. 31, and Meridian Street. There would be a monthly fee of \$13.31 for the electrical charges for special holiday lighting. She had a contract to be entered into with Cinergy. Ms. Koons-Davis recounted that last year the Old Towne Greenwood Association had to enter into an agreement to indemnify the City of Greenwood to use our traffic signal poles and she was sure that Cinergy would want the same kind of agreement to use their poles. Ms. Richards stated that Alice Rademacher of Gregory & Appel would have more information on that issue. Mr. Hoover moved to approve the expenditure of the \$1,798.55 for the initial installation of the receptacles as well as the monthly fee, subject to a contract to protect the City from liability to be approved by the City Attorney. Second by Mr. Beville. Vote: Ayes.

Tom Vander Luitgaren of the Van Valer Law Firm discussed the house on Lot #91 (574 Savannah Drive) in Oldefield Estates, Section 4, built by M/I Homes. It encroaches on a drainage and utility easement. There is a storm sewer pipe in the easement, and Mr. Vander Luitgaren stated this is all that is expected to be in the easement; however it cannot be guaranteed. Mr. Vander Luitgaren asked that the encroachment be allowed, subject to getting waivers from the utility companies as to their use of the easement in the future. Mr. Peoni thought there should be an agreement to protect the City in the event that the City has to work in the easement, as some parts of the storm sewer are only six feet from the house. When the plot plan was approved, the home was shown completely out of the easement. The City Attorney agreed with having an agreement. Mr. Hoover moved to grant the encroachment request, subject to an agreement being approved by the City Attorney and the receipt of acceptable letters from all utility companies who have rights in that easement. Second by Mr. Beville. Vote: Ayes.

On her Status of Tasks the City Attorney brought the draft of the resolution she was asked to prepare to adopt detail standards for the construction of walking trails in the City, based upon the standard details approved by the Park and Recreation Board. Mr. Beville moved to approve and adopt Resolution No. 04-01, "A Resolution Adopting Standard Details for Construction of Public Walking Trails in the City of Greenwood". Second by Mr. Hoover. Vote: Ayes.

Ms. Koons-Davis recounted the issue of the sanitary sewer at the Menards site that came before the Board in June, 2004. The Board accepted the line conditionally if they posted a maintenance guarantee saying they would take care of any problems in that line and indemnify and hold the City harmless. The City Attorney noted that they signed an extended maintenance agreement but did not give us the guarantee, nor have they paid the upfront maintenance costs. After they sent the check made payable to the wrong city a month ago, the City Attorney returned the check, and they have not issued another one. The surety bond needs to be signed as well. After discussion, Mr. Hoover moved to send notice that those items be in our hands within seven days, sending the notice also to attorney Bob Wilder so that he can bring pressure to bear, telling them there will be no capacity in the sewer if they do not comply, and empower the Mayor on the Board's behalf to negotiate any final resolution that may need to be made. Second by Mr. Beville. Vote: Ayes.

Regarding the Starbucks site at Main Street and Emerson Avenue, Mayor Henderson discussed the issue of a right-hand turn lane for northbound traffic on Emerson at Main Street. There is a left-turn lane and two lanes for northbound traffic, with right turns allowed in the far right lane. The far right lane was formerly for right turns only and there is a problem with backup since people cannot turn against the light, he said. There has been some discussion about allowing right turns in what would be like an island. The Director of Operations has contacted the owner (Ohio Properties) of the drive that is east of the Starbucks property, next to the waffle house, said Mr. Peoni, to discuss the donation of an easement to possibly accommodate an additional right turn lane on Emerson Avenue. Mr. Peoni had contacted Brian Cross (next on the agenda for Starbucks) to see if he could work with them on this issue. Mr. Cross notified staff that Starbucks feels they are too far along in the process. It would involve moving the entire site 35 or 40 feet to the east, although Mr. Cross mentioned there still may be an opportunity to put some type of yield/turn at that intersection without affecting their site plan negatively. The Director of Operations reported that Mr. Kirkendall, the owner of Ohio Properties, is receptive to the proposal of donating the land, with the City taking dedication of the existing drive west of the waffle house. There was discussion on the approval of a revised site plan for Starbucks. Mayor Henderson did not want to lose the opportunity to improve the situation at the intersection and still not be a detriment to the Starbucks timeline. This led to extended discussion. Mr. Peoni recounted that when Emerson Avenue was being reconstructed north of Main Street, the State was not willing to put the right turn lane in as part of that project. Kelly Boyle of Midland-Atlantic Properties discussed the viewpoint of her company and stressed that they have a committed timeframe. The parking shown on the drawing, said Mr. Peoni, is associated

with the possible expansion needs of the future. There was more discussion on expediting the process for a revised site plan. Ms. Koons-Davis discussed the notice requirements for variances which must be met, although we can set a date and make sure we comply with those. Mr. Cross thought that the solution might be for the City to acquire the northwest corner of the property to provide the right-turn/yield and then work out where the deceleration lane needs to be installed but stressed that the Starbucks building construction needs to move forward. Mr. Cross suggested that he discuss the schematics with staff. Ms. Boyle agreed that they were willing to dedicate right-of-way. Mayor Henderson directed Mr. Gabehart and staff to work with Brian Cross to work out a reasonable solution; he will call special meetings if necessary.

Brian Cross of Civil & Environmental Consultants, Inc. represented Starbucks at 1035 E. Main Street to ask for acceptance of the Inspection & Testing Agreement, acceptance of the performance bonds, a partial waiver of on-site detention and a waiver of landscaping within a sanitary sewer easement. Mr. Peoni stated that the amounts on the initial letters-of-credit (LOC's) were correct but the form needed revisions. As to the request for a partial waiver of detention, Mr. Cross noted that they are increasing the hard surface area somewhat so they are providing side swales along the west and east property lines for dry detention. Mr. Hoover asked if giving the City right-of-way for the right turn lane would destroy meeting detention requirements. Mr. Peoni replied that it seems we could still work around that. There was discussion then about making the grant of right-of-way to the City a condition to the requests of the petitioner. After discussion, Mr. Hoover, citing Mr. Peoni's memo, moved to:

- 1) Accept performance letter-of-credit (LOC) #68-04 from Irwin Union Bank in the amount of \$25,300 for the installation of the dirtwork and storm sewer at the Starbuck's site.
- 2) Accept performance LOC #69-04 from Irwin Union Bank in the amount of \$5,703 for the installation of the erosion control at the Starbuck's site.
- 3) Accept performance LOC #71-04 from Irwin Union Bank in the amount of \$14,850 for the installation of the street improvements in the public right-of-way at the Starbuck's site.
- 4) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify the acceptance of the 50% upfront fee.
- 5) Grant the on-site detention partial waiver request, all subject to:
 - a) Receipt of revised original performance LOC's.
 - b) Final review and approval of the revised original performance LOC's by both the Engineering and Law departments.
 - c) Revised plans showing the under drain in the swale line of the dry detention areas.
 - d) Dedication of additional right-of-way on the west side and northwest corner of the property for traffic improvements to be proposed by the City which will not materially alter site plans already approved or that will not otherwise cause modifications that would not be waived by the City.

Second by Mr. Beville. Mr. Peoni explained that for dry detention a 1.3% swale with an under drain is a requirement and in some areas their swale is only about 1%. Therefore, the City would require an under drain in the flow line of the swale. Vote: Ayes. As to allowing landscaping within the sanitary sewer easement, Mr. Cross noted there would still be plantings along Main Street. Counsel stated that we typically do an encroachment agreement that would allow landscaping in a sanitary sewer easement; the City could be held harmless. Mr. Hoover moved to amend the motion just passed to include the approval of the waiver of the landscaping within the sanitary sewer easement in the area shown on their exhibit, with the City held harmless. Second by Mr. Beville. Vote: Ayes. Roll call on amended motion: Ayes.

On his Status of Tasks, Mr. Peoni presented the Inspection & Testing Agreements for both sanitary sewers and all other improvements for Villages at Honey Creek, Section 1A. They have paid their 50% fee. Mr. Beville moved to accept the Inspection & Testing Agreements for Villages at Honey Creek, Section 1A and ratify acceptance of the 50% fee. Second by Mr. Hoover. Vote: Ayes.

For Greenwood Station, Section 1B, Mr. Peoni had the Inspection & Testing Agreement for all improvements except sanitary sewer. The sanitary sewer for this section was installed with Section 1A. Mr. Beville moved to accept the Inspection & Testing Agreement for Greenwood Station, Section 1B as described. Second by Mr. Hoover. Vote: Ayes.

Regarding Greenwood Springs, Block 4, Mr. Peoni indicated he had finally received the 10-year maintenance bond from Reith-Riley on the street improvements that was discussed at the June 10, 2004 Board meeting.

University Park, Section 3 is asking for acceptance of their performance bond for erosion control. The amount is correct. Mr. Hoover moved to:

- 1) Accept performance bond #5013396 from Bond Safeguard Insurance Company in the amount of \$42,820 for the installation of the erosion control at University Park, Section 3, subject to:
 - a) Final review and approval of the performance bond by the Law Department.

Second by Mr. Beville. Vote: Ayes.

For University Park, Section 4, again per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Accept performance bond #5013395 from Bond Safeguard Insurance Company in the amount of \$31,823 for the installation of the erosion control at University Park, Section 4, subject to:
 - a) Final review and approval of the performance bond by the Law Department.

Second by Mr. Beville. Vote: Ayes.

For Nachi America, Inc. 2004 expansion, Mr. Hoover moved to:

- 1) Accept performance bond #K06806077 from Westchester Fire Insurance Company in the amount of \$163,759 for the installation of the private dirtwork, storm sewer and erosion control at the Nachi America, Inc. 2004 Expansion site.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify acceptance of the 50% upfront fee, subject to:
 - a) Final review and approval of the performance bond by the Law Department.

Second by Mr. Beville. Vote: Ayes.

Human Resources Director Carolyn Gaier was next from the audience. She first wanted to recommend to the Board that they implement an Employee Assistance Program, utilizing Community Health Network as the provider. Ms. Gaier described for the Board her experience with an Employee Assistance Program and said it would work in conjunction with our health insurance and would be open for anyone in the household. It would be free to the employee for up to 8 sessions, as this is the average in addressing a situation. Ms. Gaier stressed that this program would save money in the long run and increase productivity. The program would be the gatekeeper for marital problems, alcohol and drug problems, mental illness, and would provide 24-hour counseling for emergency situations. The Human Resources Director had researched other Employee Assistance programs and found the costs to be comparable but the services and facilities offered by Community to be more extensive. Ms. Gaier introduced John Nix and John Nolan, Employees Assistance Program Supervisor, who gave a brief overview. The handout is available in the attachments to this meeting. The cost would be \$36 per year per employee (\$7,200 for our 200 employees). Mr. Gabehart mentioned that there is a line item in the Police budget for about \$5,500 that could be eliminated if this program were instituted. The assistant chief clarified that the amount in the Police budget is \$4,000 for 80 employees. The City Attorney thought this would be a fabulous alternative, and an alternative for management, added Ms. Gaier, and an essential program for any company. This led to discussion of the funding mechanism. Health insurance renews February 1st. Mr. Hoover moved to recommend adoption of the EAP program through Community Health Network as described by the Human Resources Director to the Common Council as a program beneficial to City employees, to start February 1st when the health insurance renews. Second by Mr. Beville. Vote: Ayes.

Ms. Gaier next moved to the 457 Plan and introduced Andy Foster first. Mark Eberhart was with him to discuss ING's specific program. See packet in the attachments for details. Financial planning was a significant discussion issue. Ms. Gaier mentioned meetings for those who were interested. Mr. Beville moved to approve the changes discussed and to continue the City's 457 Plan with ING. Second by Mr. Hoover. Vote: Ayes.

The Dental Plan was next to be discussed. Key Benefit Administrators (KBA) has entered into a partnership with Maverest Dental Alliance. There would be no penalty for not using a network dentist but out of pocket savings increase when the employees use a dentist in the network. Mr. Beville moved to accept the recommendation to utilize KBA's Dental Network. Second by Mr. Hoover. Vote: Ayes.

Next Ms. Gaier recommended that the Board approve continuing the 125 Flexible Spending Account Program with KBA as the provider, the medical and dependent savings account. Charges have not gone up, she reported. The discussion focused on liability to the City. Mr. Hoover moved to continue participation in the 125 Flexible Benefit Plan. Second by Mr. Beville. Vote: Ayes.

After more discussion, Mr. Hoover moved to increase the bank limit allowed from \$500 to \$1,000. Second by Mr. Beville. There was discussion on where any unused money would go; Ms. Gaier thought most used their bank but it should be tracked. Vote: Ayes.

The last item was Pre-Paid Legal Services. Ms. Gaier left information for the Board to review.

Arnie Kaptain, manager of the Sanitation Business Office, referred to his memo regarding the implementation of the debit program, paying the sanitation bill on-line. They are in the process of working out details with First Indiana Bank and Allison Payment Systems. Mr. Beville moved to approve the debit program. Second by Mr. Hoover. Vote: Ayes.

Consultant Pat Sherman approached the Board to indicate negotiations with a development group – entity yet unnamed – to construct a lift station to be connected to the sewer utility as part of our Master Plan, subject to SAF credit. At his request Mr. Hoover moved to approve the SAF credit that would include the reservation of capacity within the Greenwood sewer system, finalized by staff and approved by the City Attorney, with the Mayor authorized to sign. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved to approve the claims as presented through November 4th. Second by Mr. Hoover. Vote: Ayes.

Ms. Myers brought up having a policy for per diem and credit card use. Ms. Koons-Davis mentioned that the only thing in writing was a resolution saying the employee should be able to get it in advance, based on IRS rates. Mayor Henderson suggested that the City Attorney work with the Clerk-Treasurer on drafting a resolution to cover per diem and other travel expenses and credit card usage. Ms. Myers then indicated her office also needs approval to do PERF payments electronically. Mr. Beville moved to direct the drafting of these resolutions. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 10:50 a.m.